

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation)	
)	
or Suspension of the Teaching)	ORDER OF
)	
Certification of Timothy L. Brumit)	PERMANENT REVOCATION
)	
Certificate 194953)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on April 9, 2008. In accordance with S.C. Code Ann § 1-23-370(c)(2004), the State Board summarily suspended the educator certificate of Timothy L. Brumit on February 13, 2008, based on allegations of unprofessional conduct as a result of Mr. Brumit's arrest on January 24, 2008, on charges of violating Title 18, United States Code, Section 2422(b), Enticement and Coercion of a Minor, and Title 18, United States Code, Section 2252(A)(a)(1), Transportation of Child Pornography as a result of an undercover investigation by the FBI. The State Board found that due to the serious nature of the allegations of misconduct against him, Mr. Brumit posed a threat to the public health, safety and welfare of his students Lexington County School District Three (District) immediately placed Mr. Brumit on administrative leave following his arrest. On March 11, 2008, the District terminated Mr. Brumit's employment.

On March 13, 2008, Mr. Brumit, who was represented by an attorney, plead guilty in the United States District Court for the Eastern District of Virginia to Count One of the indictment charging Mr. Brumit with Coercion and Enticement of a Minor, in violation of Title 18, United States Code, Section 2422(b). Mr. Brumit further plead guilty to Count Two of the indictment charging the defendant with Transportation of Child Pornography, in violation of Title 18, United States Code Section 2252(A)(a)(1). After

considering the evidence presented, the State Board voted to permanently revoke Mr. Brumit's educator certificate 194953, effective April 9, 2008.

FINDINGS OF FACT

Mr. Brumit holds a valid South Carolina educator certificate and has over eight years of teaching experience. He had been employed as an English teacher by Lexington School District Three (District) at Batesburg Leesville High School prior to his termination by the District on March 11, 2008.

In January 2008, Mr. Brumit contacted an undercover police officer, via an Internet chat room, who was posing as a thirteen year old boy. They engaged in various "Google Hello" and "Yahoo Instant Messenger" chat sessions over a three week period. During these sessions, Mr. Brumit transmitted over 590 still images depicting boys engaged in sexually explicit conduct and approximately 57 videos of child pornography. Mr. Brumit discussed how they could meet and have sex in a motel room. Mr. Brumit wrote that he would drive to Stafford, Virginia to pick up the alleged thirteen year old boy. Mr. Brumit also suggested that the alleged thirteen year old boy run away to live with Mr. Brumit in South Carolina.

On January 24, 2008, federal agents searched Mr. Brumit's Aiken South Carolina residence and seized evidence relating to Mr. Brumit's misconduct. A forensic examination of Mr. Brumit's desktop computer revealed Mr. Brumit had received approximately 44,000 still images and at least 600 videos of child pornography. The depictions range from lascivious and suggestive posing to sadistic and masochistic, or otherwise violent depictions of sexual conduct involving prepubescent and adult males. Mr. Brumit shipped and transported these images in interstate or foreign commerce by various means, including by computer transmission and/or were stored on or produced using materials that had traveled in interstate or foreign commerce. Mr. Brumit's communications travelled, via the Internet,

across state lines from his home computer in Aiken, South Carolina to an alleged thirteen year old victim's computer in the Eastern District of Virginia. Mr. Brumit engaged in the conduct outlined above knowingly and intentionally and not by accident or mistake.

On January 24, 2008, Mr. Brumit was arrested in Aiken South Carolina and charged with violating Title 18, United States Code, Section 2422(b), Enticement and Coercion of a Minor, and Title 18, United States Code Section 2252(a)(1), Transportation of Child Pornography. The District immediately placed Mr. Brumit on administrative leave. On February 13, 2008, in accordance with S.C. Code Ann. § 1-23-370(c)(2004), the State Board found that due to Mr. Brumit's arrest and the serious nature of the allegations of misconduct against him, Mr. Brumit posed a threat to the public health, safety and welfare of students and that emergency action was required to summarily suspend Mr. Brumit's educator certificate. On March 7, 2008, the Department sent notice to Mr. Brumit of the summary suspension, as well as the possible suspension or revocation of his educator certificate and a notice of hearing by certified mail, return receipt requested, delivery restricted to addressee. Mr. Brumit received the notice, as evidenced by a postal receipt bearing his signature, dated March 10, 2008. Mr. Brumit did not request a hearing within the time period specified in the letter and is in default. On March 11, 2008, the District terminated Mr. Brumit's employment.

On March 13, 2008, Mr. Brumit, who was represented by an attorney, plead guilty in the United States District Court for the Eastern District of Virginia to Count One of the indictment charging Mr. Brumit with Coercion and Enticement of a Minor, in violation of Title 18, United States Code, Section 2422(b) and Count Two of the indictment charging him with Transportation of Child Pornography, in violation of Title 18, United States Code Section 2252A(a)(1). In the Plea Agreement, Mr. Brumit admitted to the facts set forth in the statement of facts filed with the Plea Agreement and

agreed that those facts established guilt of the offenses charged beyond a reasonable doubt.

CONCLUSIONS OF LAW

"The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (2004). Just cause includes unprofessional conduct, crime against the law of this State or the United States, immorality, and evident unfitness for position for which employed. S.C. Code Ann. § 59-25-160 (2004); 24 S.C. Code Ann. Regs. 43-58 (Supp. 2006). Pursuant to S.C. Code Ann. §59-25-280 (A) (Supp. 2007), the State Board permanently revokes the educator certificate of Timothy L. Brumit as the result of his guilty plea on March 13, 2008 in the United States District Court for the Eastern District of Virginia to Count One of the indictment charging Mr. Brumit with Coercion and Enticement of a Minor, in violation of Title 18, United States Code, Section 2422(b) and Count Two of the indictment charging him with Transportation of Child Pornography, in violation of Title 18, United States Code Section 2252A(a)(1). Pursuant to S.C. Code Ann. § 59-25-280 (A) (2) and (3) (Supp. 2007), the State Board shall revoke the certificate without hearing if the educator pleads guilty to a criminal offense pursuant to federal law that is similar in nature to certain South Carolina offenses related to obscenity, material harmful to minors, child exploitation and other similar crimes. The State Board finds that sufficient evidence exists to support the conclusion that just cause exists to permanently revoke the educator certificate of Timothy L. Brumit as a result of his guilty plea to the federal criminal offenses listed herein that are similar in nature to crimes listed in §59-25-280 (A) (2) (Supp. 2007). Pursuant to S.C. Code Ann. § 59-25-280 (B) (Supp. 2007), a school district may not employ an educator in any capacity

whose South Carolina certificate is revoked pursuant to S.C. Code Ann. § 59-25-280(A) (Supp. 2007).

It is therefore, ordered, that the educator certificate of Timothy L. Brumit, certificate 194953 is hereby permanently revoked. The permanent revocation of Mr. Brumit's educator certificate 194953 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order.

AND IT IS SO ORDERED.

South Carolina State Board of Education

By: 

Al Simpson, Chair

Columbia, South Carolina
April 9, 2008